

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:12-CR-397-F1

UNITED STATES OF AMERICA            )  
  )  
                  v.                            )  
  )  
JHIRMICK CABBAGESTALK,                )  
                                  Defendant.    )

ORDER

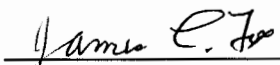
This matter is before the court on remand from the United States Court of Appeals for the Fourth Circuit. On May 6, 2014, the Fourth Circuit vacated the sentence Cabbagestalk received for violating the terms of his supervised release. Prior to the remand, Cabbagestalk was erroneously released from the Bureau of Prisons, who miscalculated his prison credit days. When the court learned of the error it issued a warrant for his arrest. At his detention hearing, the court released him on various conditions and Cabbagestalk complied with all conditions of release pending his remand hearing. In light of his compliance with release conditions and in consideration of counsel's arguments regarding Cabbagestalk's mental health issues at the time of his violation, the court sentenced Cabbagestalk to time served and an additional year of supervised release at the June 30, 2014 remand hearing. Cabbagestalk's supervised release conditions include the following:

1. Full financial disclosure to the probation officer.
2. The Defendant will not rent or have control of a post office box without the prior knowledge and approval of the probation department.

3. The Defendant shall participate in a mental health treatment program if deemed to be appropriate by the probation department.
4. The Defendant shall participate as directed in a program approved by the probation officer for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
5. The Defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the Defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

SO ORDERED.

This the 2<sup>nd</sup> day of July, 2014.

  
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JAMES C. FOX  
Senior United States District Judge